



County of Los Angeles CHIEF EXECUTIVE OFFICE

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May 20, 2015

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From: Sachi A. Hamai
Interim Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains reports on the following:

- **Pursuit of County Position on Legislation**
 - **Pursuit of County Position to Support AB 1056 (Atkins).** This measure would create the Second Chance Fund, using Proposition 47 grant moneys, to fund a recidivism reduction program. This office, the District Attorney, and the Department of Mental Health recommend support for AB 1056, if amended, to require a grant allocation methodology that reflects: 1) a region's proportionate share of the State savings associated with Proposition 47; and 2) the recidivism program needs of each region, based on the region's general population, average number of formerly incarcerated individuals in supervision and those currently incarcerated, and projected number of offenders convicted of identical or similar crimes to those reclassified by Proposition 47. Therefore, unless otherwise directed by the Board, consistent with existing policies to support proposals to: 1) implement long-term recidivism reduction programs; and 2) increase funding for prevention, diversion, housing and intervention services for mentally ill adults and delinquents and/or emotionally disturbed minors to divert them from the criminal justice system, **the Sacramento advocates will support AB 1056, if amended.**

"To Enrich Lives Through Effective And Caring Service"

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- **Status of County-Sponsored Legislation**

- **County-sponsored AB 1119 (Rendon)** - related to county rights to object and to challenge public utility projects proposed by other jurisdictions, passed the Assembly Floor on May 18, 2015.

- **Status of County-Advocacy Legislation**

- **County-supported AB 159 (Calderon)** – related to the Right to Try Act, passed the Assembly Floor on May 18, 2015.
- **County-supported AB 477 (Mullin)** – related to vote by mail ballots, passed the Assembly Floor on May 14, 2015.
- **County-supported SB 485 (Hernandez)** – related to the management and treatment of stormwater and dry weather water runoff by sanitation districts in Los Angeles County, passed the Senate Floor on May 18, 2015.
- **County-support-and-amend SB 762 (Wolk)** – related to a pilot to select the lowest bidder for construction projects on the basis value, passed the Senate Floor on May 18, 2015.

Pursuit of County Position on Legislation

AB 1056 (Atkins), which as amended on April 30, 2015, would create the Second Chance Fund, using Proposition 47 grant moneys, to fund a recidivism reduction program that focuses on community-based solutions, including mental health services, substance abuse disorder treatment services, misdemeanor diversion programs, and housing assistance.

Voter-approved Proposition 47, the Safe Neighborhoods and Schools Act of 2014, reduced the classification of specific non-serious and non-violent property and drug crimes from a felony to a misdemeanor. As required under Proposition 47, beginning in FY 2016-17, the State must redirect savings attributed to the Proposition to various grant programs, including: 1) 25 percent for truancy prevention programs; 2) 10 percent for victim services; and 3) 65 percent to the Board of State and Community Corrections (BSCC) to administer grants for public agencies to expand mental health, substance abuse, and diversion programs for people in the criminal justice system, with an emphasis on reducing recidivism.

AB 1056 would require the Board of State and Community Corrections to deposit Proposition 47 grant moneys it receives into the Second Chance Fund. The BSCC would administer the fund to allocate competitive grants for a recidivism reduction program that, at minimum, would do the following:

- Restrict eligibility to projects designed for people who have been arrested, charged with, or convicted of a criminal offense and have a history of mental health or substance abuse problems;
- Prioritize projects that advance principles of restorative justice while demonstrating a capacity to reduce recidivism;
- Prioritize projects that leverage other Federal, State, and local funds;
- Prioritize proposals put forth by a public agency in partnership with a philanthropic or nonprofit organization;
- Prioritize proposals that promote interagency and regional collaborations;
- Ensure that program guidelines provide threshold and/or scoring criteria that strongly prioritize the following: 1) mental health services, substance abuse disorder treatment services, misdemeanor diversion programs, or some combination thereof; 2) housing-related assistance, including financial and housing stabilization assistance; and 3) other community-based wrap-around services;
- Consider ways to promote services for people with offenses identical or similar to those reclassified by the Proposition 47;
- Consider proposals that provide services to juveniles;
- Permit proposals to expand the capacity of an existing program and prohibit proposals from using the fund to supplant funding for an existing program; and
- Consider geographic diversity.

AB 1056 would require the BSCC to establish an Executive Steering Committee to develop guidelines for the administration of the program. The committee would be composed of: 1) a formerly incarcerated individual who has received mental health or substance abuse disorder treatment; 2) a family member of a current or formerly incarcerated individual; 3) a mental health expert; 4) a substance abuse disorders

expert; 5) a housing programs expert; 6) an expert on homelessness; 7) two community-based supportive service providers with experience in reducing recidivism; 8) a community supervision expert; 9) an academic with recidivism expertise; 10) a member of the board; 11) a public agency administrator; and 12) an additional expert selected by the BSCC.

AB 1056 would allow public agencies, including counties and cities, to compete for State funds to create new or to expand existing recidivism reduction programs; however, while the measure requires the BSCC to consider geographic diversity when creating grant proposals guidelines, it does not provide for an equitable allocation methodology.

This office, the District Attorney, and the Department of Mental Health recommend supporting AB 1056, if amended, to require a grant allocation methodology that reflects: 1) a region's proportionate share of the State savings associated with Proposition 47; and 2) the recidivism program needs of each region, based on the region's general population, average number of formerly incarcerated individuals in supervision and those currently incarcerated, and projected number of offenders convicted of identical or similar crimes to those reclassified by Proposition 47. Therefore, unless otherwise directed by the Board, consistent with existing policies to support proposals to: 1) implement long-term recidivism reduction programs; and 2) increase funding for prevention, diversion, housing and intervention services for mentally ill adults and delinquents and/or emotionally disturbed minors to divert them from the criminal justice system, **the Sacramento advocates will support AB 1056, if amended, to require a grant allocation methodology that equitably reflects a region's proportionate share of State savings, offender population and recidivism program needs.**

Because AB 1056 would amend Proposition 47, and would further its intent, this measure requires a two-thirds vote of the Legislature; however, it does not need to go before the voters for approval.

AB 1056 is supported by: the California State Association of Counties, California Police Chiefs Association; County Welfare Directors Association; State Treasurer John Chiang; Long Beach Mayor Robert Garcia; Los Angeles Mayor Eric Garcetti; San Diego Mayor Kevin Faulconer; San Francisco Mayor Edwin Lee; and Oakland Mayor Libby Schaaf; Bay Area Council; California Building Industry Association; California Housing Consortium; Western Center on Law and Poverty, among others. Currently there is no registered opposition on file.

AB 1056 is awaiting a hearing in the Assembly Appropriations Committee.

Status of County-Sponsored Legislation

County-sponsored AB 1119 (Rendon), which as introduced on February 27, 2015, would grant counties the same rights as cities to object to and to challenge public utility projects proposed by other jurisdictions that would encroach on streets within the County's unincorporated areas, was amended on May 11, 2015.

As amended, the bill would: 1) require a city proposing the use of a street, alley, avenue or highway within another city or county's jurisdiction to request that the city or county to agree on the terms and conditions and location of the use; or 2) if terms and conditions cannot be agreed to, allow the city proposing the use to bring an action in superior court within three months to have the terms and conditions and location determined.

The Department of Public Works has reviewed AB 1119, as amended, and reports that this measure would grant counties the ability to object to and/or challenge a city's public utility project that encroach on highways within the County's jurisdiction. This is consistent with current law which allows a city to object to and/or challenge another city's public utility project that encroaches on their street.

AB 1119 passed the Assembly Floor by a vote of 71 to 0 May 18, 2015. This measure now proceeds to the Senate.

Status of County-Advocacy Legislation

County-supported AB 159 (Calderon), which as amended on April 28, 2015, would establish the Right to Try Act which would make an investigational drug, biological product or device available for patients with a serious or an immediately life-threatening disease or illness, passed the Assembly Floor by a vote of 72 to 2 on May 18, 2015. This measure now proceeds to the Senate.

County-supported AB 477 (Mullin), which as April 8, 2015, would permit a voter, who failed to sign his or her vote by mail identification envelope, to sign a statement up to ten days after the election to have his or her vote counted, passed the Assembly Floor by a vote of 50 to 29 on May 14, 2015. This measure now proceeds to the Senate.

County-supported SB 485 (Hernandez), which as introduced on February 26, 2015, would authorize sanitation districts in Los Angeles County to acquire, construct, operate, maintain, and furnish facilities for the diversion, management and treatment of stormwater and dry weather runoff, passed the Senate Floor by a vote of 36 to 0 on May 18, 2015. This measure now proceeds to the Assembly.

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County-support and amend SB 762 (Wolk), which as amended on May 12, 2015, would: 1) establish a pilot program to allow counties to select the lowest responsible bidder, on the basis of best value, for construction projects in excess of \$1.0 million; 2) require the bidders to verify specified information under oath; and 3) sunset the pilot program on January 1, 2020, passed the Senate Floor by a vote of 24 to 12 on May 18, 2015. This measure now proceeds to the Assembly.

We will keep you advised.

SAH:JJ:MR
VE:PC:lm

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants